

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Joseph Pena,)	No. CV 04-0220-SRB (ECV)
Plaintiff,)	ORDER TO SHOW CAUSE
vs.)	
Maricopa County Sheriff's Office,)	
Defendant.)	

On July 16, 2004, Plaintiff filed a First Amended Complaint in this action. Doc. #6. The Court screened the amended complaint and ordered service on the three named defendants. Doc. #7. However, the U.S. Marshals Service was unable to serve any of the defendants. The Process Receipt and Return for each defendant states that the named individual is not an employee of the Maricopa County Sheriff's Office and that the U.S. Marshals Service was unable to locate the individual. Doc. # 8-10. Accordingly, no defendants in this action have been served. Plaintiff was instructed in the screening order that if he failed to obtain a waiver of service or complete service within 120 days of the date he filed his amended complaint, the action could be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Doc. #7 at 2. That deadline expired in November 2004. Accordingly, Plaintiff will be ordered to show cause why this action should not be dismissed pursuant to Rule 4(m).

1 **IT IS THEREFORE ORDERED:**

2 That on or before **April 10, 2006**, Plaintiff must show cause why this case should not
3 be dismissed in light of his failure to effect service of process on any defendants; and

4 That if Plaintiff fails to respond to this order by the designated date, the Court will
5 dismiss this action.

6 DATED this 16th day of March, 2006.

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11 Edward C. Voss
12 United States Magistrate Judge
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